

REMARKS

Claims 1-10 remain herein. Claims 19-25 also remain herein, but are currently withdrawn from consideration. Claim 1 has been amended to include the elements of claim 2. Claim 2 is canceled without prejudice or disclaimer. Claims 3-5 and 7 have been amended for additional clarity.

1. Claims 19-25 were withdrawn from consideration. However, applicants respectfully traverse the restriction requirement since the subject matter of all of claims 1-10 and 19-25 is sufficiently related that a thorough and complete search for the subject matter of the elected claims would necessarily encompass a thorough and complete search for the subject matter of the non-elected claims. Thus, search and examination of the entire application could be made without serious burden. See MPEP §803 in which states that “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits.” This policy should apply in the present application to avoid unnecessary delay and expense to applicants and duplicative examination by the Patent Office.

2. The Office Action included a reminder regarding the proper Abstract language and format. Applicants amend the Abstract herein to include a one-paragraph replacement Abstract.

3. Claims 1-10 were rejected for nonstatutory obviousness-type double patenting over claims 1-10 of Sakai U.S. Patent 6,736,789. This rejection is rendered moot by the Terminal Disclaimer filed herewith. Applicants respectfully request that this rejection be withdrawn.

Serial No. 10/802,802

4. Claims 1-10 were rejected under 35 U.S.C. § 103(a) over Onitsuka U.S. Patent 6,049,167 and Zahuta U.S. Patent 5,433,639.

Claim 1, as amended, claims an apparatus for producing an organic EL display device (that has at least a supporting substrate, lower electrode, an organic luminescence medium and an upper electrode, the periphery of the device being sealed with a sealing member), comprising first through fourth units, as recited in claim 1, and carrying units being between the respective units, wherein the first unit is between the second unit and the third unit.

The Office Action admits that neither Onitsuka nor Zahuta teaches the claimed invention, “wherein the first unit is arranged between the second unit and the third unit,” but alleges that it would have been obvious to arrange the first unit between the second unit and the third unit, in accordance with the design specifications of an apparatus for producing an organic EL display device. Office Action at 8.

However, the claimed arrangement provides unexpected advantages that would not have been obvious to one of ordinary skill in the art. First, this arrangement makes it possible for successive substrates to come and go between the second and third units 23 and 22, through the first unit 21. This arrangement makes it possible to perform dehydration treatment in the second unit 23 and film deposition in the third unit 22, repeatedly through the first unit 21. Also, this arrangement makes it possible for multiple substrates to be subjected to dehydration treatment and film deposition simultaneously or successively through the first unit 21, and reduces the number of carrying devices. Furthermore, this arrangement reduces interference between the second unit 23 and the third unit 22. In an apparatus for producing an organic EL display device having the claimed four units, there are many arrangements of the units, and only the specific

Serial No. 10/802,802

claimed arrangement provides the described advantages. For at least these reasons, the rejection should be withdrawn.

Additionally, Zahuta is relied upon by the Office Action as allegedly teaching a second unit (98) for heating at least the supporting substrate, which the Office Action admits is missing from Onitsuka. Office Action at 7. But, Zahuta does not teach the second unit for heating at least the supporting substrate as claimed in applicants' claim 1. Rather, Zahuta subchamber 98 is a bakeout chamber for removing adsorbed contaminants from the surfaces of the parts and components that will eventually be formed into a dewar, not an organic EL device. Zahuta, col. 5, line 63 through col. 6, line 3. After bakeout in chamber 98, the parts and components are moved to assembly chamber 108 to form a finished dewar assembly 20. Zahuta, col. 6, lines 2-3; lines 21-28; lines 47-54. There is no teaching or suggestion of the claimed second unit for heating the supporting substrate as claimed in applicants' claim 1. Because Onitsuka and Zahuta, alone or in combination, fail to teach this element of claim 1, this rejection should be withdrawn.

Furthermore, there is no motivation or suggestion to combine the teachings of Onitsuka and Zahuta. As described above, Zahuta relates to dewar assembly, and is not properly combinable with the subject matter of Onitsuka. A combination of Onitsuka and Zahuta is therefore an improper basis for a rejection under Section 103. For all of the foregoing reasons, all claims 1-10 are now fully in condition for allowance, which is respectfully requested.

The PTO is hereby authorized to charge or credit any necessary fees to Deposit Account No. 19-4293. Should the Examiner deem that any further amendments would be desirable in

Serial No. 10/802,802

placing this application in even better condition for issue, he is invited to telephone applicants' undersigned representative.

Respectfully submitted,

Date: September 29, 2006



Roger W. Parkhurst

Reg. No. 25,177

C. Donald Stevens

Reg. No. 53,638

Old Attorney Docket No.: HEIW:006A

New Attorney Docket No.: 28955.1006 C1

STEPTOE & JOHNSON LLP

1330 Connecticut Ave., N.W.

Washington, D.C. 20036

Tel: (202) 429-3000

Fax: (202) 429-3902



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/802,802

Confirmation No.: 5105

In re Application of:

Toshio SAKAI et al.

Group Art Unit: 2879

Filed: March 18, 2004

Examiner: Dalei Dong

For: APPARATUS AND METHOD FOR MANUFACTURING ORGANIC EL DISPLAY
DEVICE

TERMINAL DISCLAIMER

US Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, Virginia 22314

Sir:

Your petitioner, Idemitsu Kosan Co., Ltd., a corporation of Japan, conducting business at 1-1, Marunouchi 3-chome, Chiyoda-ku, Tokyo 100-8321, Japan, represents that it is the sole assignee of the entire right, title and interest in U.S. Patent Application Serial No. 10/802,802, filed March 18, 2004, as evidenced by an assignment from the inventors of the above-identified patent application. That assignment document was recorded in the U.S. PTO on March 16, 2001, at Reel 011624, Frame 0880 (the Assignment was recorded in parent application Serial No. 09/809,244, filed March 16, 2001, now U.S. Patent 6,786,789). Your petitioner, Idemitsu Kosan Co., Ltd., hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of petitioner's commonly owned U.S. Patent 6,786,789 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,786,789, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned is an attorney of record authorized to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date: September 29, 2006



Roger W. Parkhurst
Reg. No. 25,177
Attorney of Record

Attorney Docket No.: 28955.1006 C1

STEPTOE & JOHNSON LLP
1330 Connecticut Ave., N.W.
Washington, D.C. 20036
Tel: (202) 429-3000
Fax: (202) 429-3902